

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN R. HACKER, DAVID B. HARDER,
JESS T. NORDBY, and ALAN D. KLEIN JR.

Application No. 09/800,413

MAILED

SEP 24 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 19, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On June 18, 2002 and December 30, 2002, appellants filed amendments that were not physically entered. The examiner filed Office actions in response to these amendments on September 24, 2002 and March 6, 2003. There is no clear indication to the

Application No. 09/800,413

status on entry or non-entry of these amendments. Before further review of this file, the examiner must give a clear indication to the disposition of the amendments filed June 18, 2002 and December 30, 2002.

Also, on September 5, 2003, appellants filed an extension of time (i.e., 3 months) for filing a notice of appeal. A review of the file reveals that the fee was not charged for the extension of time. Before further review of this file, the above mentioned fee must be applied to the appellants' account.

Accordingly, it is

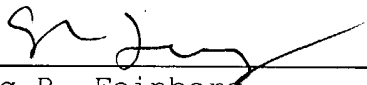
ORDERED that this application be electronically returned to the examiner for: 1) status on entry or non-entry of the amendments filed June 18, 2002 and December 30, 2002; 2) application of the extension of time fee; and 3) for such further action as may be appropriate.

Application No. 09/800,413

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


Craig R. Feinberg
Program and Resource Administrator
(703) 308-9797

cc: Merchant & Gould PC
P.O. Box 2903
Minneapolis, MN 55402-0903

CRF/tdl/lc
RA04-0803